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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRAN DINH TRUONG, individually and on behalf of Case No.: 1:07-Civ-11383(RJH)
ALPHONSE HOTEL CORP. d/b/a
THE HOTEL CARTER,

Plaintiff,

-against-

REPLY TO
COUNTERCLAIMS

NEW YORK HOTEL & MOTEL TRADES COUNCIL,
AFL-CIO, THE OFFICE OF THE IMPARTIAL
CHAIRMAN, and PETER WARD,

Defendants.

-----X
Plaintiff hereby responds to the counterclaims interposed by Defendants New York
Hotel & Motel Trades Council, AFL-CIO and Peter Ward, as follows:

1. Plaintiff lacks knowledge and information sufficient to form a belief as to the truth of the averments contained in paragraph 40 of the First Counterclaim set forth in the "Answer and Counterclaims."

2. Plaintiff admits the averments contained in paragraph 41 of the First Counterclaim set forth in the "Answer and Counterclaims," but lacks knowledge and information sufficient to form a belief to the extent that it avers that Plaintiff Troung is an owner of the Hotel within the meaning of federal law.

3. Plaintiff lacks knowledge and information sufficient to form a belief as to the

truth of the averments contained in paragraph 42 of the First Counterclaim set forth in the “Answer and Counterclaims.”

4. No response is required to the averments of Paragraph 43 of the First Counterclaim set forth in the “Answer and Counterclaims.”

5. Plaintiff admits the averments contained in paragraph 44 of the First Counterclaim set forth in the “Answer and Counterclaims.”

6. Plaintiff admits the averments contained in paragraph 45 of the First Counterclaim set forth in the “Answer and Counterclaims.”

7. Plaintiff lacks knowledge and information sufficient to form a belief as to the truth of the averments contained in paragraph 46 of the First Counterclaim set forth in the “Answer and Counterclaims.”

8. Plaintiff denies the truth of the averments contained in paragraph 47 of the First Counterclaim set forth in the “Answer and Counterclaims.”

9. Plaintiff lacks knowledge and information sufficient to form a belief as to the truth of the averments contained in paragraph 48 of the First Counterclaim set forth in the “Answer and Counterclaims.”

10. No response is required to the averments of Paragraph 49 of the First Counterclaim set forth in the “Answer and Counterclaims,” as the caselaw speaks for itself.

11. Plaintiff lacks knowledge and information sufficient to form a belief as to the truth of the averment contained in paragraph 50 of the First Counterclaim set forth in the “Answer and Counterclaims,” with regard to the allegation that there was a demand by the Defendants.

12. No response is required to the averments of Paragraph 51 of the First

Counterclaim set forth in the “Answer and Counterclaims.”

13. Plaintiff lacks knowledge and information sufficient to form a belief as to the truth of the averments contained in paragraph 52 of the Second Counterclaim set forth in the “Answer and Counterclaims.”

14. Plaintiff admits the averments contained in paragraph 53 of the Second Counterclaim set forth in the “Answer and Counterclaims.”

15. Plaintiff lacks knowledge and information sufficient to form a belief as to the truth of the averments contained in paragraph 54 of the Second Counterclaim set forth in the “Answer and Counterclaims.”

16. Plaintiff denies the truth of the averments contained in Paragraph 55 of the Second Counterclaim set forth in the “Answer and Counterclaims.”

17. Plaintiff lacks knowledge and information sufficient to form a belief as to the truth of the averments contained in paragraph 56 of the Second Counterclaim set forth in the “Answer and Counterclaims.”

18. No response is required to the averments of Paragraph 57 of the Second Counterclaim set forth in the “Answer and Counterclaims,” as the caselaw speaks for itself.

19. Plaintiff lacks knowledge and information sufficient to form a belief as to the truth of the averments contained in paragraph 58 of the Second Counterclaim set forth in the “Answer and Counterclaims,” with regard to the allegation that there was a demand by the Defendants.

20. No response is required to the averments of Paragraph 59 of the Second Counterclaim set forth in the “Answer and Counterclaims.”

21. Plaintiff lacks knowledge and information sufficient to form a belief as to the

truth of the averments contained in paragraph 60 of the Third Counterclaim set forth in the “Answer and Counterclaims.”

22. Plaintiff admits the averments contained in paragraph 61 of the Third Counterclaim set forth in the “Answer and Counterclaims.”

23. Plaintiff lacks knowledge and information sufficient to form a belief as to the truth of the averments contained in paragraph 62 of the Third Counterclaim set forth in the “Answer and Counterclaims.”

24. Plaintiff denies the truth of the averments contained in Paragraph 63 of the Third Counterclaim set forth in the “Answer and Counterclaims.”

25. Plaintiff lacks knowledge and information sufficient to form a belief as to the truth of the averments contained in paragraph 64 of the Third Counterclaim set forth in the “Answer and Counterclaims.”

26. No response is required to the averments of Paragraph 65 of the Third Counterclaim set forth in the “Answer and Counterclaims,” as the caselaw speaks for itself.

27. Plaintiff denies the truth of the averments contained in Paragraph 66 of the Third Counterclaim set forth in the “Answer and Counterclaims.”

28. No response is required to the averments of Paragraph 67 of the First Counterclaim set forth in the “Answer and Counterclaims.”

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

29. Defendants’ counterclaims fail to state causes of action upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

30. Defendants’ counterclaims are barred by the doctrine of waiver.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

31. Defendants' counterclaims are barred by the doctrine of laches.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

32. Defendants' counterclaims are barred by their unclean hands.

WHEREFORE, the Plaintiff/Third Party Defendant requests that this Court dismiss the counterclaims with prejudice.

Date: New York, New York
January 18, 2008

Respectfully,

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